

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

In the matter of:	)	
	)	
Comments on Certain Proceedings as Dormant.	)	CG Docket 11-99
	)	
Creation of a Low Power FM Radio Service	)	MM Docket 99-25
	)	
Event Radio Stations	)	RM-9246
	)	
Indoor Sports Entertainment Radio Service	)	RM-9682
	)	
Amendment of Part 74 to Provide Displacement Relief for FM Translators	)	RM-10995
	)	
Amendment of Parts 73 and 74 of the Commission's Rules to improve the Low Power FM Radio Service	)	RM-_____ (PRM04MB)
	)	

**COMMENTS OF REC NETWORKS**

REC Networks ("REC"), an unincorporated entity through its founder Michelle (Michi) Eyre is a long-time proponent for the Low Power FM (LPFM) radio service from the original petitions for the service through today and into the future. Over the years, REC has also been involved in other issues involving a citizen's access to the electromagnetic spectrum. REC has also always had a concern about broadband availability in rural and other underserved areas.

REC has reviewed the listing of "dormant" proceedings and there is one listed that was originally petitioned by REC and no action, not even an RM number was assigned to it and we feel that the petition is still relevant. In addition, we feel that there are a few other petitions for rulemaking that still warrant consideration.

**PRM04MB – REC Petition – Amendment of Parts 73 and 74 of the Commission Rules to improve the Low Power FM Radio Service**

Within this file, REC filed a Petition for Rulemaking (“REC 2004 Petition”). This petition was requesting the following:

- Increase the number of FM Translator “sub-classes” from 3 to 8.
- Additional protections for LP-10 stations.
- LPFM access to Channel 200 (87.9 MHz) in the event of displacement.

We feel that these changes, especially the increase in translator “sub-classes” and access to Channel 200 are still relevant even with the implementation of the Local Community Radio Act of 2010.

On July 11, 2004, REC filed this petition. The petition was posted with in the “PRM04MB” holding bin in ECFS<sup>1</sup>. Based on a stamp, it may have been erroneously considered a part of MB Docket 04-135, which was a Table of Allotments proceeding<sup>2</sup> however we did not find the document in ECFS under that docket. Over a year later, despite other petitions for rulemaking receiving a “RM” number, our petition remained dormant. In 2005, REC had mentioned this in a letter to the Office of the Inspector General<sup>3</sup> and also brought it up in a face to face meeting<sup>4</sup> with Peter Doyle, Division Chief, Audio Division and James Bradshaw on February 26, 2008.

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<sup>1</sup> - <http://fjallfoss.fcc.gov/ecfs/document/view?id=6516285245>

<sup>2</sup> - See American Family Association Petition to Amend Table of Allotments (Shenandoah, VA) RM-10949 and Sister Sherry Lynn Foundation Petition to Amend Table of Allotments (Shenandoah, VA) RM-10950.

<sup>3</sup> - See *REC Networks Letter to H. Walker Feaster III, Inspector General, Federal Communications Commission*.  
<http://fjallfoss.fcc.gov/ecfs/document/view?id=6518132277>

<sup>4</sup> - See *REC Networks Notice of Ex-parte presentation*, February 27, 2008.  
<http://fjallfoss.fcc.gov/ecfs/document/view?id=6519847716>

REC continues to feel that this petition should be given due process, an “RM” number assigned, public notice issued and a comment period started.

There are other proceedings that were never dispositioned, that we feel still warrant consideration. These are proceedings that were not originally petitioned by REC.

#### **RM-9246: Event Broadcast Stations**

This was a petition filed in 1996 by Web SportsNet, Inc. to establish a low power broadcasting service for temporary special events using both AM and FM frequencies with a priority on using Channel 200 (87.9) where available.

REC feels that this proposal continues to warrant consideration as it can provide a needed service that can promote safety by allowing an event operator to use a transmitter of 10 watts or less to relay event information, safety messages and emergency announcements.

#### **RM-9682: Indoor Sports Entertainment Radio Service**

This was a petition filed in 1999 by the National Hockey League. This petition is similar in a way to RM-9246 as it proposes a part time low power use of broadcast frequencies however in this case, those frequencies would be limited to larger stadiums. No disposition was ever given to this proceeding.

REC feels that this proposal continues to warrant consideration as it can provide a needed service to promote safety, information and culture inside enclosed sports arenas by allowing very low power FM transmitters that would barely radiate outside of the arena but at field strengths than

what is currently allowed by Part 15. There have already been successful experimental license tests for this service and we feel that it should be given consideration.

**RM-10995: Amendment of Part 74 of the Commission's Rules to Provide For Displacement Relief For FM Translator Stations**

This was a 2003 Petition for Rulemaking by the National Translator Association that would simply permit an FM Translator faced with possible displacement due to interference from application activity of a primary FM station to be able to move to any channel on a minor change application. Currently, FM Translators are restricted to changes to first, second, third or "IF" adjacent channels.

REC feels that this proceeding should continue as it would put FM Translators on a level playing field with the Low Power FM (LPFM) service. Section 73.870(a)(1) of the rules allows LPFM stations:

*Changes in frequency to adjacent or IF frequencies or, upon technical showing of reduced interference, to any frequency.*

REC has been informed from our allies that the Audio Division has made this a policy but it has not been codified. We feel that this policy needs to be codified if the Audio Division is actually practicing this policy. REC agrees with this policy as it puts FM translators on the same level playing field as LPFM stations.

## **CONCLUSION**

REC does support the Commission's efforts to do "spring cleaning" and to dispose of proceedings that are no longer necessary. We have found many of such proceedings, especially in the Amateur Radio Service that are no longer relevant due to subsequent changes in the service. In the broadcast services, REC feels that these changes in regards to secondary low power facilities are still valid and warranted for consideration and we ask the Commission to keep these proceedings active and in the case of the REC 2004 Petition, to assign an RM number and open a proceeding.

Respectfully submitted,

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